

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 20, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-33743 - APPLICANT: LEON HACKER - OWNER: ALECO STEWART ENTERPRISES, INC.

**** CONDITIONS ****

The Planning Commission (6-1/rt vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Secondhand Dealer use.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Special Use Permit for a proposed Secondhand Dealer use to be located within an existing 1,240 square-foot Financial Institution, Specified on 2.79 acres at 4399 Stewart Avenue, Suite #150. The applicant has indicated that the project will not alter the square footage of the existing tenant space and will not modify the existing condition of the site. The proposed use can be conducted in a compatible and harmonious manner with the surrounding development and land uses, as well as meets the minimum Special Use Permit requirements for a Secondhand Dealer use; therefore, staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/01/80	The City Council approved a Site Development Plan Review (Z-0067-80) for a proposed 29,301 square-foot Shopping Center, as part of a larger request, generally located at the northwest corner of Stewart Avenue and Lamb Boulevard. The Planning Commission recommended approval.
05/12/97	The City Council approved a request for a Special Use Permit (U-0009-97) for the sale of Beer and Wine in conjunction with a proposed restaurant, located at 4369 Stewart Avenue. The Board of Zoning and Adjustment recommended approval.
09/09/98	The City Council approved a request for a Special Use Permit [U-0009-97(1)] for the on-premise sale of Beer and Wine in conjunction with a proposed restaurant and a Waiver of the 400-foot distance separation requirement from any child care facility licensed for more than 12 children located at 4369 Stewart Avenue. The Planning Commission recommended approval.
11/09/99	The Planning and Development Department administratively approved a request for a Site Development Plan Review [Z-0067-80(8)] for a proposed 6,208 square-foot retail building on property located at the northwest corner of Stewart Avenue and Lamb Boulevard.
01/17/01	The City Council approved a request for a Special Use Permit (U-0184-00) for a proposed Restaurant Service Bar in conjunction with an existing restaurant, and a request for a Waiver of the 400 foot separation requirement from a child care facility located at 4371 East Stewart Avenue. The Planning Commission also recommended approval.
02/20/02	The City Council approved a Required Review [U-0184-00(1)] of an approved Special Use Permit (U-0184-00), which allowed a Restaurant Service Bar in conjunction with an existing restaurant, and a request for a Waiver of the 400-foot separation requirement from a child care facility located at 4371 East Stewart Avenue. The Planning Commission recommended approval.

02/20/02	The City Council approved a request for a Special Use Permit (U-0157-01) to allow a proposed co-location onto an existing 100-foot tall Wireless Communications Monopole Tower located at 4371 Stewart Avenue. The Planning Commission recommended denial.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2404) for a Financial Institution, Specified (check cashing) at 4399 Stewart Avenue, Suite #150. The Planning Commission recommended approval.
08/23/07	The Planning and Development Department administratively approved a request for a Site Development Plan Review (SDR-23152) to allow a proposed co-location of antennas on an existing 80-foot tall Wireless Communication Facility, Non-Stealth at 4341 Stewart Avenue.
01/08/09	The Planning and Development Department administratively denied a request for a Minor Site Development Plan Review (SDR-31625) to allow the co-location of 12 antennas and three sector arrays at the 80-foot centerline of an existing 110-foot tall Wireless Communication Facility, Non-Stealth design at 4341 Stewart Avenue.
04/23/09	The Planning Commission voted 6-1/rt to recommend APPROVAL (PC Agenda Item #32/jb).
Related Building Permits/Business Licenses	
10/11/02	A building permit (#2018409) was issued for a new shell building at 4399 Stewart Avenue. This permit was finalized on 07/22/03.
06/23/03	A building permit (#3012927) was issued for a tenant improvement at 4399 Stewart Avenue, Suite #150. This permit was finalized on 09/17/03.
09/10/03	A building permit (#3019501) was issued for a tenant improvement at 4399 Stewart Avenue, Suite #150. This permit was expired on 03/13/04.
09/25/03	A building permit (#3020580) was issued for a wall sign at 4399 Stewart Avenue, Suite #150. This permit was expired on 03/27/04.
08/19/04	A business license (W10-0049) was issued for a Wire Service at 4399 Stewart Avenue, Suite #150. This license is still active.
06/04/08	A business license (C21-00148) was issued for a Check Cashing Service at 4399 Stewart Avenue, Suite #150. This license is still active.
Pre-Application Meeting	
02/11/09	A pre-application meeting was held where the submittal requirements for a Special Use Permit were discussed.
Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	
Field Check	
03/19/09	During a routine field check staff observed a well maintained retail center.
Details of Application Request	
Site Area	
Gross Acres	2.79 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Condominiums	M (Medium Density Residential)	R-PD16 (Residential Planned Development – 16 Units per Acre)
South	Multi-Family Residences	M (Medium Density Residential)	R-3 (Medium Density Residential)
	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
East	Retail Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Multi-Family Residences	M (Medium Density Residential)	R-3 (Medium Density Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Commercial Shopping Center	32,373 SF	1:250	130	5	192	5	Y*
TOTAL			135		197		

*The subject site is considered a Shopping Center with parking calculated at 1:250 for all uses.

ANALYSIS

This request is for a Special Use Permit for a proposed Secondhand Dealer use to be located within an existing 1,240 square-foot Financial Institution, Specified on 2.79 acres at 4399 Stewart Avenue, Suite #150. The applicant has indicated that they will be buying and selling gold and silver, which is consistent with the Secondhand Dealer use defined in Title 19.04. The subject site is an existing Financial Institution, Specified and is located within an existing shopping center capable of accommodating a variety of uses. The addition of a Secondhand Dealer within this center is compatible with the existing and future land uses, and all on-site parking requirements have been met for the proposed use. Therefore, staff recommends approval.

- **Zoning**

The subject site is located on the Southeast Sector Map of the General Plan. The site is designated as SC (Service Commercial). This category allows for a low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The Service Commercial category may also allow Mixed-Use development with a residential component where appropriate.

The subject site is currently within a C-1 (Limited Commercial) zoning district. The C-1 (Limited Commercial) district is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfare along major retail corridors. The C-1 (Limited Commercial) district is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan. The proposed Secondhand Dealer use is permissible with the approval of a Special Use Permit and is consistent with the established SC (Service Commercial) General Plan designation and C-1 (Limited Commercial) zoning district.

- **Use**

Secondhand Dealer is defined by Title 19 as, “a specialty shop which deals solely in one kind of used commodity with no new commodities, or a business in which the sale of secondhand or used articles is incidental to the sale of new articles of the same kind. For purposes of this description, the sale of secondhand or used articles is deemed to be incidental to the sale of new articles. Used articles may include wearing apparel, furniture, fixtures, appliances, tableware, offices supplies, pictures, paintings, jewelry, cutlery or guns. This use includes the sale of jewelry (Class III type) and scrap precious

metals as defined in LVMC Chapter 6.74, but does not include the sale of junk as defined in that Chapter, the sale of used cars or the sale of other items which the City Council determines do not fit within the intent of this term. This use does not include the buying and selling of foreign or domestic coins for numismatic purposes, which shall be allowed where retail sales of new merchandise, is permitted. This use also does not include a thriftshop or nonprofit thriftshop.”

- **Minimum Special Use Requirements**

Minimum Special Use Permit Requirements for a Secondhand Dealer are:

1. No outdoor display, sales or storage of any merchandise shall be permitted.
2. The use shall comply with the applicable requirements of LVMC Title 6.
3. No secondhand dealer shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.

Pursuant to Title 19.04.050, these are the Minimum Special Use Permit Requirements, and are not Waivable. The proposed Secondhand Dealer use meets the Minimum Special Use Permit Requirements per Title 19.04. Therefore, staff is recommending approval of this Special Use Permit

- **Floor Plan**

The floor plan indicates that there will be 1,240 square-feet of space within the proposed site. According to the submitted the floor plan in conjunction with a staff site visit, it has been determined that space has been allocated for a working area where merchandise will be displayed and a lobby for customers. The proposed use will not change the physical appearance or characteristics of the subject site and is compatible with the surrounding uses in the area.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed land use is compatible with the SC (Service Commercial) General Plan designation and is located within an existing shopping center. The use can be conducted in a manner that is harmonious and compatible with the surrounding uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The proposed Secondhand Dealer use will be in conjunction within an existing shopping center, which is physically suitable for the type and intensity of the land use proposed.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Site access is provided from Stewart Avenue and Lamb Boulevard, both of which are 100-foot Primary Arterials, as designated in the Master Plan of Streets and Highways. These streets provide adequate access to and from the subject property.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of this special use permit will not compromise public health, safety, or welfare as the proposed Secondhand Dealer use will be subject to regular inspections.

5. **The use meets all of the applicable conditions per Title 19.04.**

The proposed Secondhand Dealer use complies with the conditions per Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 14

SENATE DISTRICT 10

NOTICES MAILED 536 by City Clerk

APPROVALS 0

PROTESTS 0